

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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EFRAIM BARENBAUM, IRA, Derivatively on :  
Behalf of Nominal Defendant FTE NETWORKS, : Docket No.: 1:19-cv-05913 (PAE)  
INC., :  
Plaintiff, :  
-against- :  
MICHAEL PALLESCHI, FRED SACRAMONE, :  
JAMES SHIAH, CHRISTOPHER FERGUSON, :  
LUISA INGARGIOLA, BRAD MITCHELL, :  
PATRICK O'HARE, DAVID LETHEM, LYNN :  
MARTIN, JEANNE KINGSLEY, and STEPHEN :  
BERINI, :  
Defendants. :  
and :  
FTE NETWORKS, INC., :  
Nominal Defendant.  
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**PLEASE TAKE NOTICE** that upon the accompanying Memorandum of Law and all prior proceedings and matters of record, Defendants Christopher Ferguson, Luisa Ingargiola, Brad Mitchell, and Patrick O'Hare (collectively, the "Former Independent Director Defendants"), by and through their undersigned attorneys, move this Court before the Honorable Paul A. Engelmayer, U.S.D.J., in Courtroom 1305 in the Thurgood Marshall United States Courthouse, located at 40 Foley Square, New York, New York, for an order dismissing the Amended Complaint pursuant to Federal Rules of Civil Procedure 12(b)(6) and 23.1 and Nevada Revised Statutes Sections 41.520, 78.138, and 78.140, and such other and further relief as the Court deems just and proper.

**PLEASE ALSO TAKE NOTICE** that in further support of their motion to dismiss, the Former Independent Director Defendants join in part the motion to dismiss filed today, November 18, 2019, by Defendants Fred Sacramone, James Shiah, Jeanne Kingsley, and Stephen Berini, ECF No. 60, for the reasons stated in Section I and Section III of their Memorandum of Law in Support of Motion to Dismiss the Amended Complaint.

Dated: New York, New York  
November 18, 2019

**LOWENSTEIN SANDLER LLP**

By: /s/ Jennifer Fiorica Delgado  
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